REMARKS

Applicants have amended claims 1, 2, 7, and 14 to more particularly point out and distinctly claim the subject matter which they regard as their invention. Applicants have also cancelled claims 12, 13, and 15. Note that claims 4, 8, and 11 were cancelled in the response to the office action dated January 23, 2004. Finally, Applicants have corrected two typographical errors in the Specification. No new matter has been introduced by the above amendments.

Claims 1-3, 5-7, 9, 10, and 14 are currently pending. Reconsideration of the application, as amended, is requested in view of the remarks below.

Objection

The Examiner objects to the Specification "because of the recitation[s] of 'beck coated' in line 1 of the paragraph at page 11, line 11." See the Office Action, page 2, lines 17-19. Applicants have corrected this typographical error, as well as the same error in the abstract.

Rejection under 35 U.S.C. § 112, 2nd paragraph

The Examiner rejects claims 1, 2, 13, 14, and 15 as being indefinite on three grounds. See the Office Action, page 3, lines 5-18. Applicants traverse each ground below:

(1) The Examiner points out that "[c]laim 1 stands rejected for the recitation of 'yarns with a density of 200 to 240 g/m' as noted in the last Office Action. It is unclear how a carpet yarn can be of this size. Claim 14 is similarly rejected." See the Office Action, page 3, lines 8-10. Applicants have removed the phrase "yarns with a density of 200 to 240 g/m" from both claims 1 and 14.

(2) The Examiner indicates that "[c]laim 1 stands rejected for the use of the tradename 'Superba.' ... 'Superba' does refer to an apparatus for heat setting, but it is of a proprietary nature. Claim 14 is similarly rejected." See the Office Action, page 3, lines 11-15. Applicants have removed the word "Superba" from claims 1 and 14.

(3) The Examiner points out that "[c]laim 2 stands rejected as set forth in section of the last Office Action. It is still unclear if the dope dyed PTT yarns are the yarns that are later dyed by the beck. Claims 13 and 15 are similarly rejected." See the Office Action, page 3, lines 16-

18. Applicants have amended claim 2 to make it clear that dope dyed PTT yarns are dyed before the cabling step and are not later beck dyed. Claims 13 and 15 have been cancelled.

For the reasons set forth above, Applicants submit that claims 1, 2, and 14 are no longer indefinite and request that this rejection be withdrawn.

Rejections under 35 U.S.C. § 112, 1st paragraph and 35 U.S.C. § 101

The Examiner rejects claims 1-3, 5-7, 9, 10, 14, and 15 under (1) 35 U.S.C. § 112, 1st paragraph as being failing to comply with the enablement requirement, and (2) 35 U.S.C. § 101 as being lack of utility. See the Office Action, page 3, lines 24-25 and page 4, lines 19-20.

More specifically, the Examiner indicates that "[s]aid claims limit the carpet yarn to [that] having a linear density of 200-240 g/m. A linear density as claimed is equivalent to a yarn size of 1.8-2.16 million denier. ... Typical carpet yarn sizes range from 500 to 8,000 denier. ... Yet, applicant has not provided an enabling specification as to how to make and use (i.e., tuft a carpet) a yarn having a denier of 1.8-2.16 million denier." See the Office Action, page 4, lines 2-12. The Examiner further indicates "such a yarn would produce a carpet too heavy to transport. Therefore, said claims lack utility." See the Office Action, page 5, lines 1-2.

As mentioned above, Applicants have removed the phrase "yarns with a density of 200 to 240 g/m" from independent claims 1 and 14. Amended claim 2, now an independent claim, does not recite this phrase. Thus, Applicants submit that the above amendments have overcome both rejections.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 12 and 13 as being obvious over Howell et al., U.S. Patent 6,242,091 ("Howell") in view of Chuah, U.S. Patent 6,315,934 ("Chuah"). See the Office Action, page 5, lines 11-12. Applicants have cancelled claims 12 and 13.

Patentability

Applicants submit that all pending claims are novel and non-obvious over the references relied on by the Examiner in this Office Action and in the last office action dated January 23, 2004.

More specifically, independent claims 1, 2, and 14 each covers a method of for preparing a PTT carpet. The patentability of these claims resides, at least in part, in heat-setting PTT yarns in a heat-setting device at a band speed of 4 to 9 m/min.

Three references are cited in the above-mentioned two office actions, i.e., Howell, Chuah, and Kay et al., U.S. Patent 5,160,347 ("Kay"). As discussed in the response to the last office action, none of these three references discloses or even suggests heat-setting PTT yarns in a heat-setting device at a band speed of 4 to 9 m/min, as required by claims 1, 2, and 14. Thus, claims 1, 2, and 14, as well as claims 3, 5-7, 9, 10, and 14 dependent from them, are not anticipated, or rendered obvious, by Howell, Chuah, or Kay (either alone or in combination). Even if a *prima facie* case of obviousness has been made (which Applicants do not concede), it can still be successfully rebutted by a showing of the unexpected advantage discussed in the last response. See the paragraph bridging pages 11 and 12.

CONCLUSION

Applicants submit that the grounds for rejection asserted by the Examiner have been overcome, and that claims 1-3, 5-7, 9, 10, and 14 as pending, define subject matter that is useful, definite, enabled, and nonobvious. On this basis, it is submitted that all claims are now in condition for allowance, an action of which is requested.

Enclosed is a check for the Petition for Extension of Time fee. Please apply any other charges to deposit account 06-1050, referencing Attorney's Docket No.: 13921-002001.

Respectfully submitted,

Date: 1-10-05

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